

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Cri. WRIT PETITION NO. 3007 OF 2005

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders. Court's or Judge's orders

Mr. A. G. Sabnis with S. Shrimani for
Petitioner.
Mr. A.S. Gadkari APP for Respondents

CORAM: [B.H. MARLAPALLE](#)
&
SMT. R.S. DALVI JJ.

DATE: 13/1/2006

P.C.:

Heard. This petition is filed under
Articles 226 and 227 of the Constitution of
India, praying for quashing of the FIR No. 1037
of 2005 registered with the Swargate Police
Station by invoking the inherent powers under
Section 482 Cr. P.C.

It appears that RCS No. 652 of 2005
is pending before the learned Civil Judge,
Junior Division, Pune / Corporation and the
same has been filed by the present petitioner.

The Assistant Registrar (Class I) has filed a complaint registered as FIR 1037 of 2005 for the offences punishable under Sections 420, 467, 468, 471, 472 and 201 read with section 34 IPC. As per the said FIR copies of registered sale deed were applied for by different parties viz., Shri Chintaman, Shri Kale, M/s. Kumar & Sons., MR. Vijay Oswal and Shri Shirsat etc. Such copies were issued to the respective clients but later on it was noticed that some of these copies were manipulated / fabricated. Shri Shirsat is one of the applicants. In the FIR which is sought to be quashed the present petitioner's name does not appear as per the alleged list.

The petitioner contends that the defendant no.1, as well as the plaintiff (the present petitioner) has submitted copies of the said registered agreement in RCS No.652 /05 on 29.7.05 and therefore it was not permissible for the Assistant Registrar to directly approach the Police Station.

By referring to section 195 Cr.PC., the learned Senior Counsel pointed out that the Assistant Registrar ought to have applied to the Civil Judge, Junior Division, in the pending Civil Suit RCS 652/05 praying for appropriate steps under Section 195 Cr.P.C., and to take cognizance of such complaint only if it is registered / initiated at the behest of the competent court and not any other party. As the basic foundation of the FIR itself is contrary to the scheme under Section 195 Cr.P.C., this is a fit case to invoke the inherent powers under Section 482 Cr.P.C., and quash the FIR, as per the learned counsel for the petitioner.

We are not impressed by these arguments. The Assistant Registrar is not a party in RCS 652 of 2005 and he is an independent statutory authority, who need not have the knowledge of any pending court proceedings. He is competent enough to act on

his own if it was noticed that the documents obtained from his office were found to be fabricated or manipulated. Section 195 Cr.P.C., would be applicable to the documents submitted by way of evidence before the competent court and if the Assistant Registrar was a party to the said proceedings, the submissions made by the petitioner could be considered. Even otherwise the present petitioner, as stated earlier, has not been named in the FIR. The learned APP on instructions stated that the investigations are in progress and will be completed as early as possible, preferably within one month from today.

Under the circumstances we do not find any reason to entertain this petition and the same is hereby rejected summarily.

(SMT. R.S. DALVI J.) (B.H. MARLAPALLE J.)